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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT	PAPER NUMBER
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2614

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/798,515	Applicant(s) PENA, MARTIN RANGEL	
	Examiner Melur Ramakrishnaiah	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-14 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,292,211.

Although the conflicting claims are not identical, they are not patentably distinct from each other because, for example, claim 1 of the present application is an obvious variation of claim 1 of U.S. Patent No. 6,292,211.

3. Claims 1-14 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-53 of U.S. Patent No. 6,704,039.

Although the conflicting claims are not identical, they are not patentably distinct from each other because, for example claim 1 of the present application is an obvious variation of claim 1 of U.S. Patent No. 6,704,039.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 3, 5-6, 10, 12, 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim elements recited in the above claims have no support in applicant's specification.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US PAT: 6,195,694, filed 11-19-1997, hereinafter Chen) in view of Amos (US PAT: 6,554,184 B1, Provisional application No. 60/133,123, filed May 7, 1999).

Regarding claim 1, Chen discloses a computer-aided telecommunications and financial transactions system between people remotely located from one another, that provides prompt and secure visual, written, and image communications, the system comprising: an internet website configured for visual and e-mail communications

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between people remotely located from one another (col. 15 lines 8-30; fig. 1), at least one control station configured with computer-aided means for accomplishing visual and email telecommunications between people who are remotely located from one another and use the internet website for sending and receiving visual and email messages without a permanent record of message content being maintained by the control station or on the website (col. 15 lines 8-30; fig. 1), at least one display monitor (105, fig. 1), at least one means (131, fig. 1) of image capture, at least one means for providing data the central processing unit in (110, fig. 1), at least one means (133, fig. 1) of audio capture, at least one means of audio transmission (col. 3, line 66 – col. 4, line 65), at least one scanner (112, fig. 1), and at least one facsimile transmission machine (col. 15 lines 16-24; col. 6 lines 5-20).

Chen differs from claim 1 in that although he discloses banking services such as opening account, dispensing cash, paying bills (col. 6 lines 5-20), he does not specifically teach the following: financial transactions between people who are remotely located from one another and use of internet website for making financial transfers using ATMs, sending and receiving money, means for automatic accepting and dispensing of money.

However, Amos discloses automatic instant money transfer machine which teaches the following: financial transactions between people who are remotely located from one another and use internet website for making financial transfers using ATMs, sending and receiving money, means for automatic accepting and dispensing of money (col. 1 lines 25-36; col. 2, line 30 – col. 3, line 18).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Chen's system to provide for the following: financial transactions between people who are remotely located from one another and use internet website for making financial transfers using ATMs, sending and receiving money, means for automatic accepting and dispensing of money as this arrangement would facilitate financial transaction between people remotely located from each other as taught by Amos, thus providing additional services in Chen's system and improving user convenience.

Regarding claims 2 and 11, Chen teaches the following: Kiosk comprises features selected from a group consisting of telephone communications, direct phone lines to customer service personal, means for completing purchases and pre-payment for services, information gathering means etc, (col. 6 lines 5-20); kiosks are configured for advertising full motion video (col. 14 lines 27-38).

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Amos as applied to claim 1 above, and further in view of Kihi et al. (US PAT: 6,222,536, filed 12-30-1997, hereinafter Kihi) and Sheppard (US PAT: 5,970,888, filed 12-30-1997).

The combination teaches the following: touch screen menu options (col. 14 lines 37-49; col. 15 lines 8-15 of '694); direct telephone line to customer assistance personal, image capture means (131, fig. 1 of '694), an audio transmission means (133, fig. 1, col. 6 lines 5-19 of '694); but it does not teach the following: virtual bank teller and

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pneumatic tube adapted for transferring papers and other documents between a user and customer service personal.

However, Kihi teaches the following: virtual banking system, which provides various on line banking services to a number of subscribers (col. 1 lines 49-54); and Sheppard teaches the following: pneumatic tube adapted for transferring papers and other documents between a user and customer service personal (col. 1 lines 28-32).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: virtual bank teller as this arrangement would provide paraphernalia required for rendering banking services as taught by Kihi; and pneumatic tube adapted for transferring papers and other documents between a user and customer service personal as this would provide well known arrangement for sending receiving documents and other things in banking system as is well known in the art.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Amos , Kihi and Sheppard as applied to claim 3 above, and further in view of Dunlap et al. (US PAT: 5,600,114, hereinafter Dunlap).

The combination differs from claim 4 in that it does not teach the following: writing surfaces, customer service windows, and furniture adapted for seating users of the at least one virtual bank teller while they are conducting transactions.

However, Dunlap discloses remote unmanned banking center which teaches the following: writing surfaces, customer service windows, and furniture adapted for seating

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users of the at least one virtual bank teller while they are conducting transactions (figs. 1-2, col. 5 lines 9-25).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: writing surfaces, customer service windows, and furniture adapted for seating users of the at least one virtual bank teller while they are conducting transactions as this arrangement would facilitate the users to carry out banking transactions in comfort as taught by Dunlap.

10. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Amos as applied to claim 1 above, and further in view of Hurne et al. (US PAT: 5,091,713, hereinafter Hurne).

The combination differs from claims 5-6 in that it does not teach the following: kiosks are configured to prepare and transmit inventory information to the control station when cash reserves are low, when cash reserves exceed a predetermined level, transmit security breach information to the control station.

However, Hurne discloses monitoring of remote vending machines which teaches the following: kiosks are configured to prepare and transmit inventory information to the control station when inventory reserves are low, transmit security breach information to the control station (col. 7 lines 20-51; col. 6 lines 17-42).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: kiosks are configured to prepare and transmit inventory information to the control station when

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cash reserves are low, when cash reserves exceed a predetermined level as this arrangement would facilitate to maintain optimum inventory required for transactions as taught by Hurne; transmit security breach information to the control station as this arrangement would facilitate to secure facilities against vandalism as taught by Hurne, thus protecting the system.

11. Claims 7-8,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Amos as applied to claim 1 above, and further in view of Kawan (US PAT: 5,796,832).

The combination differs from claims 7-8 and 14 in that it does not teach the following: one smart card prepared and issued to repeat users of the system, each the smart card having identity information personal to the user and being required for user activation of the system, identify information is selected from a group consisting of photos of user, biometric information of user, voice inputs, encrypted information , etc; money can be added to the smart card for making micro payments.

However, Kawan discloses wireless transaction and wireless systems which teaches the following: one smart card prepared and issued to repeat users of the system, each the smart card having identity information personal to the user and being required for user activation of the system, identify information is selected, biometric information of user, voice inputs, encrypted information (col. 7 lines 49-53; claims 24-26); money can be added to the smart card for making micro payments (col. 4 lines 60-67).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: one smart card prepared and issued to repeat users of the system, each the smart card having identity information personal to the user and being required for user activation of the system, identify information is selected from a group consisting of photos of user, biometric information of user, voice inputs, encrypted information , etc as this arrangement would ensure use of the system by authorized users, herby protecting system resources as taught by Kawan; money can be added to the smart card for making micro payments as this arrangement would facilitate to obtain credit authorization for user convenience as taught by Kawan.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Amos as applied to claim 1 above, and further in view of Shaughnessy et al. (US PAT: 5,928,325, hereinafter Shaughnessy).

The combination differs from claim 9 in that it does not teach the following: kiosk is configured to transmit video email messages.

However, Shaughnessy teaches the following: receiving video email message at a server from one of the terminals and processing it for sending it to a destination (fig. 1 col. 6, line 58 – col. 7, line 3).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: kiosk is configured to transmit video email messages as this arrangement would facilitate sending video email messages as taught by Shaughnessy.

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13. Claims 10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Amos as applied to claim 1 above, and further in view of Ritter et al. (US PAT: 6,829,593, filed 6-5-2000, hereinafter Ritter).

The combination differs from claims 10, 12 in that it does not specifically teach the following: kiosks are configured for user purchase of: web memory space for data storage, web folder space through which user can organize personal and business records.

However, Ritter teaches renting memory for storing data through internet (claims 30-33).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: kiosks are configured for user purchase of: web memory space for data storage, web folder space through which user can organize personal and business records as this arrangement would enable renting memory space for storing information as taught by Ritter, thus facilitating user convenience.

14. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Amos, Kihl and Sheppard as applied to claim 3 above, and further in view of DeBan et al. (US PAT: 5,386,103).

The combination differs from claim 13 in that it does not teach the following: image capture means for identity confirmation and communication with at least one virtual bank teller.

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However, DeBan discloses identification and verification system which teaches the following: image capture means (36, fig. 1) for identity confirmation and communication with at least one bank teller (fig. 1; col. 2 lines 10-41).

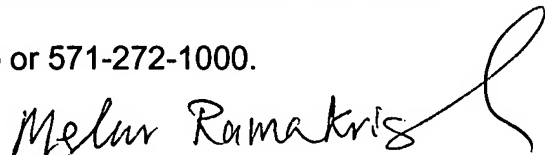
Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: image capture means for identity confirmation and communication with at least one virtual bank teller as this arrangement would provide, one of the methods, among many possible methods, for identification of users for bank transactions as taught by DeBan.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, reading "Melur Ramakrishnaiah", with a long, sweeping flourish extending to the right.

Melur Ramakrishnaiah
Primary Examiner
Art Unit 2614